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In re Application of
TRIANTAFYLLOU, Markos
Application No.: 10/031,296
PCT Application No.: PCT/EP99/04291
International Filing Date: 21 June 1999
Priority Date: 27 June 1998
Attorney Docket No.: SC0704EM
For: ELECTRONIC PACKAGE ASSEMBLY

DECISION ON

PETITION

UNDER 37 CFR 1.137(b)

Applicant's "Renewed Petition Under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office on 12 March 2002 is **GRANTED**.

BACKGROUND

On 21 June 1999, applicant filed an international application, No. PCT/EP99/04291, which claimed a priority date of 27 June 1998. A copy of the application was communicated to the United States Patent and Trademark Office from the International Bureau on 06 January 2000. The deadline for entry into the United States National Stage was twenty months from the priority date, that is 28 February 2000 (27 February 2000 was a Sunday).

On 21 September 2000, applicant filed a Petition For Revival of an International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) accompanied by, *inter alia*, a copy of the international application.

On 01 February 2002, the Office dismissed applicant's petition to revive the international application abandoned unintentionally under 37 CFR 1.137(b) for failure to pay the petition fee and the basic national fee.

On 12 March 2002, applicant filed a renewed petition under 37 CFR 1.137(b) for application number 10/031,296

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must

be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

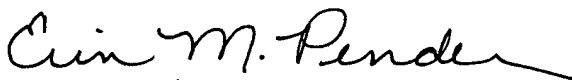
Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfies the requirements of 37 CFR 1.137(b)(3). A terminal disclaimer is not required as application was filed on 21 June 1999. The petition fee and basic national fee will be charged to deposit account no. 13-4771, as authorized by the petition filed 12 March 2002.

Additionally, it is noted that applicants state they originally paid the filing fee for the patent application under 37 CFR 1.492(e). That is not correct. Applicants previously paid fees for a "New Nonprovisional Utility Patent Application" under 37 CFR 1.53(b) as indicated by the transmittal letter that accompanied the filing. That application was assigned serial number 09/511,630 and went abandoned for failure to respond to the Notice of Incomplete Nonprovisional Application mailed on 27 April 2000. No fees were previously paid on 10/031,296, the national stage of international application PCT/EP99/04291.

CONCLUSION

For the reasons listed above, the petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing, including preparation of a Notification of Missing Requirements indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the fee for late filing of the oath or declaration are required.



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